

REMARKS

Claims 2-7, 11-13 and 16-20 are pending.

Minor amendments have been made to claims 3, 5 and 7 to clarify which cash store is being referred to.

The applicant thanks the Examiner for indicating that claims 11 and 13 are allowed and that claim 16 (before the current amendment) included allowable subject matter. New claim 20 corresponds to claim 16 (before the current amendment) and includes the limitations of the claims from which it depended (*i.e.*, 15, 14, 7 and 19). Claim 20, therefore, should be in condition for allowance.

The other claims were rejected over the prior art as follows:

- * Claims 19, 7, 12 and 18 were rejected as unpatentable over the combination of U.S. Patent No. 5,499,944 (Weston et al.) and U.S. Patent No. 5,091,713 (Horne et al.).
- * Claims 2 and 3 were rejected as unpatentable over the Weston et al. patent in view of the Horne et al. patent British publication 2187021.
- * Claims 4-6 were rejected as unpatentable over the Weston et al. patent in view of the Horne et al. patent and U.S. Patent No. 4,512,453 (Schuller et al.).
- * Claims 14-15 were rejected as unpatentable over the Weston et al. patent in view of U.S. Patent No. 1,765,014 (Hochreim).

When servicing a vending machine, service personnel may perform a float operation when collecting cash from a vending machine. When the serviceman has completed his duties, the vending machine retains cash in various denominations at predetermined float levels to ensure that the change stores have sufficient cash to provide change to meet expected requirements, while keeping the levels below maximum levels so that more cash can be collected.

In the past, to perform the float and cash-collection operations, the serviceman typically was given access to the interior of the cash machine. For example, the serviceman may have been provided with a key to enable opening of a door of the vending machine and to permit removal of a cashbox and access to the change stores so that their contents could be adjusted.

The present invention is based on the idea that, even though the serviceman may have to perform both float and cash-collection operations, it is possible to enable him to perform those actions without being granted physical access to the change stores. Thus, contrary to the conventional technique of giving the serviceman the same type of access as a repair man (*i.e.*, complete access to the interior of the vending machine), the serviceman can be provided with limited access to the removable (and normally locked) cashbox, which contains a known sum. That may improve security significantly.

Independent claim 19, for example, recites a machine includes means for switching between the normal mode and the float mode in response to an operation by a person, "wherein the operation can be performed by the person without having to access internal components of the machine." As acknowledged by the Office action, the Weston et al. patent does not disclose that feature.

The Office action, however, relies on the Horne et al. patent as allegedly disclosing such a feature. As explained below, that is incorrect.

The Horne et al. patent relates to a techniques for remotely monitoring vending machines. That patent discloses two-way communication between a vending machine and a central computer 110 coupled to various stations 102 through 108. The two-way communication permits information about the state of the machine and its contents to be sent to the central computer. In addition, it allows a user to report a malfunction and for security personnel at the central location to broadcast a message from the vending machine.

The Horne et al. patent may facilitate the gathering of information that service personnel use when they perform service visits to the vending machine. For example, the maintenance

control station 104 may place information on an instruction printout for the route service person for routine action or may initiate a more immediate service response. (Col. 7, line 1-5)

Similarly, the inventory control 108 can store updated inventory information based on the central computer's periodically interrogating the vending machine. (Col. 7, lines 20-28) There is absolutely no suggestion, however, that activities typically performed by service and repair personnel can be performed by the central computer 110 or the stations 102 through 108. In particular, there is no suggestion that the central computer or the stations can cause the vending machine to switch between normal and floating modes or that they can perform any other similar type of operation.

Contrary to the implications of the Office action, the Horne et al. patent, like the Weston et al. patent, expressly contemplates that service personnel will visit the site of the vending machine to service and repair the vending machine in the conventional way:

Perhaps the greatest cost savings realized through vending machine 10 are from the improved inventory control achieved through inventory control 108. In particular, the service person (not shown) is provided with a precise route for servicing vending machines 10 at each specific location. The servicing instructions will specify the types and quantities of the specific merchandise to be put into each machine along with the amount of change to be placed in the coin changer portion of selector 30. Additionally, the routing instructions will carry any repair and maintenance instructions for vending machine 10. Importantly, the service person (not shown) is thereby able to more efficiently service more vending machines 10 more quickly with unnecessary trips with excess inventor [sic] virtually eliminated. One specific advantage is that the service person knows in advance what is required for a visit to a specific vending machine. This means that only the necessary restocking merchandise need be carried from the delivery vehicle to vending machine 10. Also, if any tools, cleaning supplies, or the like are required, the route instructions contain such information so that the time saved by the service person is significant.

There is no suggestion in the Horne et al. patent that, upon visiting the vending machine site, the service personnel would do anything differently than they would have done previously in the absence of the disclosure of the Horne et al. patent. The system disclosed in the Horne et al. patent simply may facilitate the service personnel knowing in advance what maintenance, repair and inventory issues need to be addressed. There is no suggestion that the system disclosed in the Horne et al. patent allows such service personnel to service or repair the machine with less access to internal components of the machine than they might have previously required. Instead, the Horne et al. patent implicitly contemplates that service personnel will have the same type of access to the internal components of the machine as the service personnel in the Weston et al. patent.

Therefore, even if one were somehow to combine the Horne et al. and Weston et al. patents, that would not result in (or suggest) the subject matter of claim 19. A contrary conclusion would be precisely the type of improper hindsight the Federal Circuit has warned against.

Furthermore, claim 19, as well as independent claim 12, recites that the machine includes unlockable access means that can be unlocked to permit access to the further cash store but not to the first cash store. There is simply no suggestion of that feature or the claimed subject matter as a whole in either the Weston et al. or Horne et al. patents.

Nor is there any suggestion of responding to an instruction issued remotely from the machine so as to discharge cash from the first store to the further store until one or more conditions are met, as recited in claim 12. The functions of maintenance control 104 and inventory control 108 have been discussed above. The security control 102 can alert police or other security in response to received warnings. It also can activate the microphone 82 and speaker 80 associated with the vending machine. The comptroller 106 simply records information related to vending machine transactions. None of those functions relates to discharging cash from one cash store to another, as recited in claim 12.

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Applicant also notes that whether the central computer 110 and stations 102 through 108 in the Horne et al. patent could somehow be modified to provide an instruction to cause the vending machine to discharge cash from one store to another is irrelevant because that is not the test for obviousness under 35 U.S.C. § 103. The test is what the cited references actually disclose and what they would suggest to one of ordinary skill in the art. For the reasons discussed above, there is no suggestion of the claimed subject matter.


Moreover, at least for the reasons discussed in applicant's reply to the previous Office action, none of the British publication, the Hochreim patent or the Schuller et al. patent disclose or suggest the features missing from the Weston et al. and Horne et al. patents.

In view of the foregoing remarks, applicant respectfully requests reconsideration and withdrawal of the rejections of the claims.

Enclosed is a check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/8/04



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